

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

-----:  
 IN THE MATTER OF: :  
 :  
 Howard Theatre :  
 Entertainment, LLC, : Fact Finding  
 t/a Howard Theatre : Hearing  
 620 T Street, NW :  
 Retailer CX :  
 License No. 88646 :  
 ANC 1B :  
 -----:

MARCH 4, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson  
 NICK ALBERTI, Member  
 DONALD BROOKS, Member  
 HERMAN JONES, Member  
 JAMES SHORT, Member  
 MICHAEL SILVERSTEIN, Member  
 HECTOR RODRIGUEZ, Member

ALSO PRESENT:

ANDREW KLINE, on behalf of the applicant.  
 CHIP ELLIS, Howard Theatre Entertainment.  
 ANTHONY COSENZA, General Manager, Howard Theatre.  
 MICHAEL HARMON, ABC Manager  
 MARK BRASHEARS, ABRA Investigator

## P R O C E E D I N G S

4:37 p.m.

CHAIR MILLER: Case Number 14-251-00321, 14-251-00321(a) and 14-251-00309. All these cases involve Howard Theatre, located at 620 T Street, NW; License Number 88646 and ANC 1B. Okay, why don't we start with introductions?

MR. KLINE: Good afternoon; Andrew Kline on behalf of the applicant.

MR. ELLIS: Chip Ellis, Howard Theatre Entertainment.

MR. COSENZA: Anthony Cosenza, General Manager, Howard Theatre.

CHAIR MILLER: I'm sorry, what's your last name?

MR. COSENZA: Anthony Cosenza.

CHAIR MILLER: Cosenza, okay.

MR. HARMON: Michael Harmon, ABC Manager. Floor manager.

CHAIR MILLER: Okay.

MR. BRASHEARS: Mark Brashears, ABRA Investigator.

1 CHAIR MILLER: Okay. I think that we  
2 should proceed with Mr. Brashears first; I think  
3 there are three cases here involving some  
4 violence and sexual assaults at the  
5 establishment. Do you want to give us a little  
6 narration about it?

7 MR. KLINE: Madame Chairman, before  
8 that?

9 CHAIR MILLER: Go ahead.

10 MR. KLINE: I believe there are two  
11 cases; one of them has a supplemental report;  
12 just so we're clear.

13 CHAIR MILLER: Right, well the (a) one  
14 is a supplement, so that's the same case. Okay.

15 MR. KLINE: Thank you.

16 CHAIR MILLER: Okay.

17 MR. BRASHEARS: Which case did you  
18 want to start with, ma'am?

19 CHAIR MILLER: It doesn't matter  
20 however, it makes sense to you.

21 MR. BRASHEARS: Okay, for Case 14-251-  
22 00309; that was a case on 18 October that the MPD

1       dubbed a sex abuse case. It was essentially  
2       during an event called the Howard Homecoming  
3       Thousand Bottles. We have a victim that night  
4       that alleges while she was in the stairwell a  
5       male patron basically tried to speak to her.  
6       When she tried to push past him, he grabbed her  
7       wrist with one hand, grabbed her buttocks with  
8       the other. As she pushed to get away, she nearly  
9       fell down and dropped her phone. She stated that  
10      after that, she came out of the stairwell, spoke  
11      with a couple of security personnel from Howard  
12      Theatre and basically as she put it, was not  
13      helped and there were derogatory comments made  
14      about the situation.

15               I looked into it further. I reviewed  
16      video from the night of the incident.  
17      Unfortunately, there are no cameras in the  
18      stairwell where the event was alleged to have  
19      happened.

20               CHAIR MILLER: Um-hm.

21               MR. BRASHEARS: So there was no video  
22      evidence of any assault; and I reviewed the rest

1 of the video throughout the facility and the  
2 situation was such that the, due to the lighting  
3 conditions, everyone wearing dark clothing and  
4 the pixilation of the cameras, I was not able to  
5 pick out the alleged victim speaking to security.  
6 When I spoke with security personnel about the  
7 incident I was told by the Head of Security that  
8 he had spoken with her that night; however, she  
9 had not made the event known to him. The  
10 establishment found out the next day. I spoke  
11 with who was at the time the previous Head of  
12 Security; he stated that he spoke with the victim  
13 in the stairwell or attempted to speak with her,  
14 but she would not speak with him. And at that  
15 time he stated to me that he was not wearing  
16 anything that stated he was security, he was not  
17 wearing a name tag or anything to identify him as  
18 being part of Howard Theatre; so he assumed that  
19 perhaps she thought he was just another patron.

20 But throughout the investigation,  
21 looking into things, I could not substantiate  
22 that a sex abuse or any type of sexual assault

1 occurred.

2 CHAIR MILLER: Okay. I just wanted to  
3 say that this is a fact-finding hearing; it's not  
4 an evidentiary hearing, so no action is going to  
5 be taken directly except perhaps to board the  
6 case for a show cause hearing. But no other  
7 actions will be taken; just so you know that.  
8 Okay? Does that end what you had to say about  
9 that one, that incident?

10 MR. BRASHEARS: Yes, ma'am; and if I  
11 can answer any other questions you may have.

12 CHAIR MILLER: Okay; let me just ask  
13 you all, does it make sense to separate the two  
14 and we'll deal with this incident, with questions  
15 now; or do you want to get into the other?

16 MR. BRASHEARS: I do apologize, ma'am.

17 CHAIR MILLER: Okay?

18 MR. BRASHEARS: There was one other  
19 issue.

20 CHAIR MILLER: Okay.

21 MR. BRASHEARS: That I forgot to  
22 mention. No, I'm sorry, that was it, ma'am. I

1 apologize.

2 CHAIR MILLER: All right. I mean, it  
3 seems to be that we could have Howard Theatre  
4 respond to that incident unless you all for some  
5 reason think that you want to hear both incidents  
6 and then respond to both?

7 MR. KLINE: I think we'd like to hear  
8 them both, because we want to respond in terms of  
9 the timing that this occurred and what's taken  
10 place since then, so, I think we might as well  
11 hear the other one, if that's okay with the  
12 Board?

13 CHAIR MILLER: All right; and do Board  
14 Members need to ask any questions right now? Mr.  
15 Brashears? Or it can wait also? All right; go  
16 ahead.

17 MR. BRASHEARS: The second case  
18 occurred on 22 November; it was listed by MPD as  
19 an assault with a deadly weapon. The basic  
20 summary was a female patron started some type of  
21 altercation, used pepper spray on a crowd of  
22 people and threw a bottle; injuring one of the

1 Howard Theatre security personnel. So  
2 essentially, I reviewed the video, interviewed  
3 everyone involved.

4 Again, as with the previous case, this  
5 was a situation where the fight involving  
6 numerous people occurred in hallway between the  
7 entryway and the actual main floor of the  
8 establishment; so there were no cameras. In  
9 speaking with security and management and looking  
10 at the video, we were unable to ascertain what  
11 started the altercation. It was brought to my  
12 attention that the individual who actually  
13 utilized the pepper spray and threw the bottle  
14 had been stopped during the search coming in and  
15 had two canisters of OC spray or pepper spray  
16 taken off of her person.

17 When I spoke with the security member  
18 that was injured, Mr. Brown, he stated that he  
19 hear a call that there was a fight going on  
20 inside the establishment; he was concerned for  
21 his coworkers. He ran inside the establishment,  
22 grabbed one of the female aggressors and at that



1 point, as he turned, was struck in the face with  
2 a bottle. To this point, the extent of his  
3 injuries that night: He suffered a broken  
4 cheekbone, an orbital plate damage to his eye;  
5 he's subsequently had a couple of surgeries. And  
6 when I spoke with him last week, he informed me  
7 that the doctors were able to save his eye, but  
8 he now has a vision impairment of double vision  
9 that will be with him throughout the rest of his  
10 life.

11 Also along with that, he stated that  
12 he felt the establishment was overcrowded the  
13 night of the incident and that he had smelt  
14 marijuana; and that was why he had ran in.  
15 Subsequently as I was reviewing video of the  
16 establishment, I noted in a backstage area on  
17 Camera 7, there were five individuals; three  
18 males, two females near the backstage door of the  
19 Theatre and they spent about five minutes rolling  
20 what appeared to be a marijuana cigarette and  
21 then lighting in up.

22 But again, as I said, everyone we

1 spoke with; we still are not able to ascertain  
2 why the fight started. But the police were  
3 called and medical attention was given to the  
4 security member; and we looked at it and again  
5 couldn't figure out why.

6 CHAIR MILLER: Okay. Mr. Kline would  
7 you all like to respond to Mr. Brashears?

8 MR. KLINE: Sure; yes, absolutely.

9 CHAIR MILLER: Okay.

10 MR. KLINE: Madame Chairman, Members  
11 of the Board; as you recall, we were before you  
12 around this time and the Board was understandably  
13 very concerned about how the Howard Theatre was  
14 handling it's patrons and handling it's business.  
15 These incidents occurred right around the time of  
16 that transition and there were things that are in  
17 place now that hadn't quite been implemented  
18 then. First of all, in the first incident, there  
19 was an issue I think; one of the inferences,  
20 although we don't know anything about the alleged  
21 assault, there's a claim that the woman  
22 encountered someone and they weren't wearing a

1 uniform and she couldn't identify him. So she  
2 didn't know how they were. That's been corrected  
3 with the implementation of the security plan that  
4 was filed in the wake of the last fact-finding  
5 hearing that we had before you, and end that  
6 concern. We think it's been addressed.

7 The other is since learning of this,  
8 of these two reports which was just frankly two  
9 weeks ago, the establishment is reviewing all of  
10 its camera placement and they haven't finished it  
11 yet; they've had a couple people out. But I  
12 would suggest that perhaps that we file a  
13 supplemental report indicating the findings of  
14 that review and as a result of the review, what  
15 changes will be made.

16 One of the issues is, of course, the  
17 stairwell. It is an important area because  
18 that's a place where all sorts of nefarious  
19 activity can take place if it's not properly  
20 monitored. And I think everybody wants to know  
21 and make sure that there is a camera there that  
22 could record what might happen. But they're

1 working with the camera company to come up with a  
2 plan and I suggest that we do file something else  
3 with the Board, so the Board will be satisfied  
4 that whatever deficiencies might exist; that they  
5 have been looked at and are addressed.

6 With respect to the second incident,  
7 a couple things. I know the Howard Theatre  
8 management is really saddened by the injuries  
9 that Mr. Brown suffered. I mean, that's really a  
10 shame that working in a place that he would find  
11 himself injured in that way. However, his job  
12 was not there to be injured, but in some ways his  
13 job is there to make sure that patrons aren't  
14 injured; and although we don't want to see anyone  
15 injured, we'd rather have the security guard, the  
16 security person in the way of harm rather than  
17 patrons. Because that's why security is provided  
18 and again, no one takes any joy or happiness in  
19 the fact that this serious injury was suffered.  
20 But if it has to be, better that it is a security  
21 person in their performance of their duties than  
22 a patron.

1           The woman who was involved in the  
2 incident, if you read the report in detail, it's  
3 rather unusual in that pepper spray was taken  
4 away from her, but there were additional  
5 canisters that were smuggled in, in private  
6 places is the only delicate way that I can put  
7 it. But you can read the report for yourself.

8           CHAIR MILLER: Okay.

9           MR. KLINE: So it looks like, in terms  
10 of response, the establishment reacted the way it  
11 should have had. With respect to the rolling of  
12 the marijuana cigarette, let me address that.  
13 That took place in the area that's an artist-only  
14 area. There is a security person that's  
15 stationed or was stationed, outside the door that  
16 led to the backstage area. As a result of this  
17 incident, that's been changed; and that person's  
18 station has been inside the door so that they can  
19 monitor the activities inside the door backstage.

20           And the fact that it was an artist,  
21 that's no excuse, that's not what's supposed to  
22 be happening in the backstage area. And the

1 placement of the security person in that area it  
2 is believed will prevent this or any other  
3 undesirable activity from occurring; and if it  
4 does occur, we have a person there who can call  
5 other security personnel in and deal with that.

6 I'm happy, of course, to answer any  
7 questions or try to address any other concerns  
8 that the Board might have.

9 MR. ELLIS: I just want to add, if I  
10 could, that the promoters from these two  
11 incidents; the first one the Thousand Bottles  
12 event actually is a group of young professional  
13 people that are alumni from Howard University and  
14 we really haven't had any issues in the past two,  
15 three years with them, except for this one  
16 incident. We regret that this woman claims that  
17 this took place and there was a guy, I guess, who  
18 was offensive to her.

19 The second event, the promoter we are  
20 no longer going to have; and we have had to,  
21 quite frankly, used some sort of trust because we  
22 are a new venue on some of these promoters, that

1 they were going to deliver, do what they, have an  
2 event that will be, have patrons that will be  
3 respectful and that kind of thing. But we can't  
4 always pick a perfect promoter. And when we have  
5 incidents like this, we make certain that those  
6 promoters will never host an event at the Howard  
7 Theatre again. And that particular promoter will  
8 never see the Howard Theatre ever, ever again;  
9 you have my word.

10 CHAIR MILLER: Okay, thank you. I  
11 just have one follow up question, I guess. I  
12 think Mr. Brashears talked about, I thought, the  
13 quality of the video not being sharp enough for  
14 him to make certain determinations with respect  
15 to the individual people that he was looking for?  
16 The individual persons?

17 MR. BRASHEARS: Madame Chairman, may  
18 I; when I said that, bear in mind --

19 CHAIR MILLER: Okay.

20 MR. BRASHEARS: -- the backstage area  
21 was very well lit; the outside, the entryway,  
22 most of the areas; it was the areas where the

1 lights were dim, there's a dance floor where you  
2 would obviously expect it to be a little less  
3 than stellar views on the camera. And I think  
4 that night it was a situation of, for whatever  
5 reason, everyone that attended was wearing either  
6 black or gray. I'm not sure, just short of  
7 infrared that it would have been able to make it,  
8 you know, better.

9 CHAIR MILLER: Okay. So there isn't  
10 an issue then with the quality of the video; just  
11 the placement of the cameras?

12 MR. BRASHEARS: Well not so much the  
13 cameras; again, I think it was just the lighting  
14 that night and the, basically everyone wearing  
15 very similar attire. You could make out  
16 individual people, but you couldn't make out who  
17 was who basically.

18 CHAIR MILLER: Right, but what I mean  
19 by placement of the cameras, I guess I'm  
20 referring to the stairwell.

21 MR. BRASHEARS: Oh, no, the stairwell?  
22 They're again, for both situations, there were no



1 cameras in the stairwell or in the hallway where  
2 the incidents allegedly occurred.

3 CHAIR MILLER: Okay and I know, I  
4 think I heard you say, Howard Theatre, that you  
5 were going to be placing cameras in the  
6 stairwell, did you? In that hallway as well?

7 MR. ELLIS: Yes, we are looking at that right  
8 now. We're looking at that right now and  
9 understand that that potentially is a hazard area  
10 that we're going to address.

11 CHAIR MILLER: Okay. What about the  
12 hallway?

13 MR. ELLIS: Yes.

14 CHAIR MILLER: Your camera person is  
15 looking in general?

16 MR. ELLIS: Yes.

17 CHAIR MILLER: Okay. All right;  
18 questions? Mr. Short?

19 MEMBER SHORT: The incident occurred  
20 November 2, 2014, correct?

21 MR. KLINE: Yes, sir.

22 MEMBER SHORT: And no camera in the

1 stairways then? Are there any cameras there now?

2 MR. ELLIS: Currently we don't have  
3 any cameras in the particular stairways, actually  
4 that particular stairway we have thirty-seven  
5 functioning cameras within the venue and we're --

6 MEMBER SHORT: I don't mean to cut you  
7 off --

8 MR. ELLIS: Yes.

9 MEMBER SHORT: -- but we know we have  
10 a problem there. The last time we were here we  
11 talked about a problem in stairways. November  
12 2nd to this date, March 4th; no difference?

13 MR. KLINE: Mr. Short, if I may?

14 MEMBER SHORT: Yes, please.

15 MR. KLINE: As I indicated, we just  
16 got this report two weeks ago; and the night of  
17 the incident, if you see the report and you read  
18 the report, no one was aware of the allegation  
19 of, I think there was one person I might have  
20 been aware of, the allegation of the assault, but  
21 in questioning people, no one could find anything  
22 about it. So the issue that there may be a

1 deficiency in the stairwell arose when we first  
2 read the reports after we got them the week  
3 before last. So it's not like we had these  
4 reports November 2nd. We just got them two weeks  
5 ago.

6 MEMBER SHORT: Let me clarify my  
7 question then, to anybody who wants to answer.  
8 When will you put some cameras in the problem  
9 area? When will be cameras be placed?

10 MR. ELLIS: We have a camera company  
11 that's going to be coming out next week and we're  
12 going to have them figure out how they can tie in  
13 a camera into that stairwell.

14 MEMBER SHORT: Again, I'll ask you  
15 when will you install cameras in the problem  
16 area?

17 MR. ELLIS: Next week.

18 MEMBER SHORT: Next week you'll have  
19 the cameras up?

20 MR. ELLIS: Next week, we will have  
21 them come out and they're going to install and I  
22 can't tell you exactly it's going to be by Friday

1 or if it's going to be the following Monday or  
2 the following week but they're coming out to  
3 figure out how they're going to install it.

4 MEMBER SHORT: Thank you very much.

5 MR. BRASHEARS: Mr. Short?

6 MEMBER SHORT: Yes?

7 MR. BRASHEARS: Just to clarify  
8 something. When I went out and spoke with the  
9 ABC Manager and received my copy of the video, I  
10 was told at that time we do not have video of the  
11 entryway of the hallway area where there was no  
12 coverage and there was no coverage in the  
13 stairwell. So the establishment was aware of it  
14 because they pointed that out to me and showed me  
15 that they did not have it at that time.

16 MEMBER SHORT: Thank you.

17 MEMBER SHORT: I would just like to  
18 say this; let's get on top of this, okay? Howard  
19 Theatre is much too much of a valuable venue for  
20 this city, for these kinds of things to be taking  
21 place. And we know we have a problem; we've got  
22 to get on top of it. That's all I have, Madame

1 Chair.

2 CHAIR MILLER: Okay. Yes, Mr.

3 Alberti?

4 MEMBER ALBERTI: I'd like to second  
5 Mr. Short's comments. I'm really disappointed  
6 here. I mean, I don't know how many times you  
7 told me, we're going to make the changes. We're  
8 going to make the changes. The last time you  
9 were here, just a couple weeks ago?

10 MR. ELLIS: We have made the changes  
11 in terms of security.

12 MEMBER ALBERTI: This November second  
13 event happened almost two months after you were  
14 here for a fact-finding. And you know, I got  
15 promised; you were here in September? Is that  
16 the fact-finding you were talking about, Mr.  
17 Kline when you said you were here about this  
18 time?

19 MR. KLINE: I thought it was in  
20 October is my recollection, that was the first  
21 one; I was not at the first one. You're correct.

22 MEMBER ALBERTI: Yes. And you know,

1 two months later, we see this happening.

2 (Speaking simultaneously). I just, sir, it's  
3 hard to believe when we have changes occurring,  
4 let me finish. Let me finish and you can speak.

5 MR. KLINE: Okay.

6 ALBERTI: The other aspect is, in both  
7 of these reports I'm hearing thirty-eight  
8 cameras, operational cameras. The security plan  
9 that you give to us says forty-five cameras.  
10 It's like I'm never getting a straight story from  
11 you all. I mean and hopefully you can understand  
12 why.

13 MR. KLINE: Let me respond to that.  
14 The construction documents were used and when our  
15 new security people came on, they used those  
16 construction documents and they did not actually  
17 go out and count; they assumed that those were  
18 the cameras that were installed. At the time  
19 that we had construction on the Howard Theatre,  
20 we felt as if there was enough coverage with  
21 thirty-seven cameras or thirty-eight cameras  
22 being installed in the various areas around the

1 Howard.

2 The budget, quite frankly, got very,  
3 very tight towards the end; we had to make  
4 decisions as if we had a lot of coverage outside,  
5 we had coverage inside. And so our new head  
6 security person made the mistake of not going out  
7 and actually counting them, but just used the  
8 actual construction documents that were put forth  
9 for this. He has now addressed that; he has the  
10 security company coming out next week and we're  
11 going to address this.

12 MEMBER ALBERTI: So are you willing to  
13 allow ABRA to come in and sort of survey the  
14 camera coverage and report back to us?

15 MR. KLINE: Sure.

16 MEMBER ALBERTI: And what is your aim  
17 with the camera coverage? I know you're going to  
18 put extra cameras in, but what is the ultimate  
19 goal?

20 MR. ELLIS: The ultimate goal is to  
21 make certain that, in terms of patrons, that  
22 there's coverage so that was can make certain

1 that in all areas, obviously there are certain  
2 areas that are very private, we can't go but so  
3 far; but in terms of bathroom areas and things  
4 like that. But we understand that the actual  
5 stairwell is an issue. We understand. We have a  
6 number of cameras around the bar; we probably  
7 have too many cameras around the bar area, and  
8 not maybe enough in other areas. And so we now  
9 know that and we're ready to address those, the  
10 hallway area and the actual stairwell.

11 MR. KLINE: If I may, Mr. Alberti?  
12 What I would suggest is the standard that there  
13 be no unreasonable blind spots. I don't think  
14 anyone can guarantee that every inch of an  
15 establishment, and you've never required that, do  
16 the Board members, on that?

17 MEMBER ALBERTI: Absolutely.

18 MR. KLINE: So I think that the  
19 standard that we're talking about is that there  
20 be no unreasonable blind spots. It seems pretty  
21 clear to us, based upon the incident, not having  
22 cameras in the stairwell is an unreasonable blind



1 spot. That needs to be fixed. And there may be  
2 other areas but we're happy, we're going to  
3 review that with the camera company and if the  
4 Board would like an investigator to be involved  
5 or to do a survey, we're happy to have them.

6 MEMBER ALBERTI: I would like that;  
7 and are you willing to cooperate with the  
8 investigators --

9 MR. KLINE: Most definitely.

10 MEMBER ALBERTI: -- that you have no  
11 unreasonable blind spots?

12 MR. KLINE: Most definitely.

13 MEMBER ALBERTI: I mean, if there's a  
14 disagreement, you can bring it to the Board, but  
15 hopefully you could work that out with our  
16 investigators, who can show you what reasonable  
17 and not reasonable. He has more experience in  
18 that.

19 MR. ELLIS: We would be more than  
20 happy to work with the investigators.

21 MEMBER SHORT: Mr. Alberti?

22 MEMBER ALBERTI: Yes, Mr. Short?

1 Please go ahead.

2 MEMBER SHORT: We identified problem  
3 areas where there had been actual alleged crimes  
4 committed; those areas must be covered. You're  
5 coming again with someone saying they were in the  
6 stairway and something happened and those cameras  
7 aren't there. That means there's neglect. I  
8 don't know any other way I could take it.

9 MR. KLINE: And I think we have a  
10 commitment to work with our investigators to make  
11 sure that they are, in the end after the  
12 installation happens and review and tweaking of  
13 the system, that there will be no unreasonable  
14 blind spots.

15 MEMBER ALBERTI: And how soon can this  
16 all happen?

17 MR. ELLIS: I think we can have it  
18 done within two weeks.

19 MEMBER ALBERTI: Okay, thank you.

20 CHAIR MILLER: I wanted to ask your  
21 camera person, is it a person who specializes in  
22 cameras for security purposes or did these --

1 MR. ELLIS: Yes, security company,  
2 security camera company.

3 CHAIR MILLER: Okay, good.

4 MEMBER ALBERTI: I've got another  
5 question.

6 CHAIR MILLER: Okay.

7 MEMBER ALBERTI: Then I'll hand it to  
8 Mr. Jones; sorry, Mr. Jones. The other thing  
9 that, this seems like a learning process.  
10 Forgive me, it seems like a learning process for  
11 you and your whole staff in terms of how to  
12 secure this so it provides security for this  
13 establishment and run events that are safe for  
14 the public. And I just have to put that out  
15 there, because I've been watching this evolve.

16 Right now, you have kind of two  
17 security staffs; one that you hire from the  
18 outside and one that you are self-employed by the  
19 establishment, by Howard Theatre, is that  
20 correct?

21 MR. ELLIS: No. Currently we have  
22 just a security system that's been brought in;

1 the entire security staff has now been  
2 contracted.

3 MEMBER ALBERTI: We had the case in  
4 November --

5 MR. ELLIS: And let's put this, let me  
6 put this into context; because the Howard Theatre  
7 initially started out, quite frankly, and we  
8 didn't see ourselves as a nightclub. We  
9 understood we were going to have private events,  
10 but we didn't look at ourselves as having to be a  
11 nightclub. So we had a number of people who were  
12 hosts and people who were just making sure the  
13 people were going to be okay. And we talked  
14 about this, I think, a few months ago; we now  
15 realize when we have these private events and  
16 with certain promoters that we do need a serious  
17 security team.

18 We've done that and we are now  
19 evolving. We are also sifting out all of the  
20 promoters and things that, our potential event  
21 managers, event sales managers are brought to the  
22 Howard Theatre and we now have a learning process

1 and you're right. When you say that it seems  
2 like we're learning as we go along; well we are  
3 learning that certain events we cannot have.

4 MEMBER ALBERTI: Okay.

5 MR. ELLIS: We're learning that  
6 certain security issues, we cannot be faced with.

7 MEMBER ALBERTI: So specifically, do  
8 all of your security staff, can they clearly be  
9 identified? Because obviously in one of these we  
10 had people dressed --

11 MR. ELLIS: We have --

12 MEMBER ALBERTI: No, let me finish.  
13 We have people dressed in gray and black and what  
14 I'm hearing from Mr. Brashears, maybe half of the  
15 patrons were dressed in gray or black.

16 MR. ELLIS: They, they have --

17 MEMBER ALBERTI: But I don't know if  
18 that's the case.

19 MR. ELLIS: They have on gray polo  
20 shirts that say Crowd Control and they have a  
21 badge on the front.

22 MEMBER ALBERTI: Everybody? All the

1 security personnel?

2 MR. ELLIS: All the security.

3 MEMBER ALBERTI: All of the security  
4 personnel?

5 MR. ELLIS: All the security.

6 MEMBER ALBERTI: So if somebody goes  
7 up and --

8 MR. ELLIS: All the security.

9 MEMBER ALBERTI: -- if somebody  
10 approaches somebody and says oh, what's going on  
11 here, don't know that its security immediately?

12 MR. ELLIS: Yes.

13 MEMBER ALBERTI: Okay great, thank  
14 you.

15 MR. KLINE: Mr. Alberti, if I may? My  
16 understanding is, the latest of these incidents  
17 was November 2nd, which as I said, was shortly  
18 after the second fact-finding hearing. I wasn't  
19 at the first one, unfortunately. But after the  
20 second and after we made certain commitments to  
21 the Board; those have now all been implemented.  
22 My understanding is in the last three months,

1 this has all calmed down, that they have moved  
2 forward, they have implemented these things; I  
3 spoke to Investigator Brashears today, didn't  
4 learn anything different from that. Ask him.

5 We are continuing to have these kinds  
6 of problems and he did look and it looks like  
7 that things have calmed down. So I think that  
8 the implementation of what we pledged to you, not  
9 at fact-finding number one that I wasn't at; but  
10 number two had been done and there has been a  
11 change and it's just unfortunate that these  
12 reports failed. But since then, I think that the  
13 establishment has --

14 MR. ELLIS: Well, what I would also  
15 say is that what was booked, what was actually  
16 scheduled, this has all played out. Going  
17 forward we know, you know, we've gotten a real  
18 sense of the market in terms of the promoters out  
19 here that look like they're perfect guys and  
20 perfect women and you know, just going to do a  
21 great little event or whatever. And we know that  
22 the people they bring are not necessarily like

1       that. Anytime you have a woman who brings three  
2       bottles of pepper spray, she came to do  
3       something.

4               MEMBER ALBERTI: Oh, yes.

5               MR. ELLIS: Okay?

6               MEMBER ALBERTI: I guess, yes. But  
7       something like that, it uncovers, I would say,  
8       weak spots. All right? And I'm just hoping that  
9       you can get ahead of that curve (speaking  
10      simultaneously), because it seems like, I'll tell  
11      you again, it seems like you've been behind it.  
12      I'm hoping you can get ahead of it.

13              MR. ELLIS: We're going to be ahead of  
14      the curve, you better believe that going forward.

15              MEMBER ALBERTI: Thank you.

16              MR. BRASHEARS: Sir, if I may? Just  
17      throughout the time I've been dealing with Howard  
18      Theatre and for whatever reason, I was the  
19      investigator that responded to the bulk of the  
20      situations. I've kind of monitored the progress  
21      and I can say from when I started with Howard  
22      Theatre, they had a general manager who, as far



1 as I was concerned, was checked out. He was not  
2 responsive to ABRA. We now have a general  
3 manager who, if I call him and he doesn't answer,  
4 I get a call back five minutes later. We had a  
5 situation where there were no ABC managers and  
6 now they have rectified that situation.

7 They had issues with their hosts, they  
8 got rid of the old hosts and hired new hosts.  
9 There was the security issue; they brought on  
10 professional security. You requested a security  
11 plan, you know, they've come a very long way.  
12 The things that still kind of bother me is even  
13 with the changes, as you pointed out sir, there  
14 are still things that get through. And the big  
15 question I had from all of this was the  
16 individual, now obviously the individual with the  
17 pepper spray, from my understanding, the one that  
18 she got in with and got out with, the police  
19 didn't catch that until the police station. So  
20 understandably.

21 But the concern I had with that is  
22 even with all the changes and the improvements,

1       how an individual could get from the bar area,  
2       main dance floor area into a hallway with a Ciroc  
3       bottle to throw it. That kind of troubled me;  
4       it's like okay, we now have security. And the  
5       other thing that troubled me throughout all of it  
6       was the situation with the marijuana. I watched  
7       the individual in the back area, as Mr. Kline had  
8       stated, it wasn't a hurried quick rolling of a  
9       joint in a bathroom stall; he nonchalantly stood  
10      there and conversed as he rolled a marijuana  
11      cigarette as though it were condoned. That  
12      troubled me. So I'm hoping with the new security  
13      implementation and the improvements and the new  
14      cameras --

15                   MEMBER ALBERTI: Well, Mr. Brashears,  
16      you know the club; was that a musician area?

17                   MR. BRASHEARS: I believe it was, yes  
18      sir.

19                   MEMBER ALBERTI: Okay; thank you.

20                   UNKNOWN SPEAKER: What was the  
21      question again, Mister --

22                   MEMBER ALBERTI: Was it a musician

1 area?

2 MR. BRASHEARS: Private, the artist --

3 UNKNOWN SPEAKER: I got you; thank  
4 you.

5 CHAIR MILLER: When you saying he  
6 conversed, who did he converse with? Did he  
7 converse with security or did he --

8 MR. BRASHEARS: No, no; there were a  
9 total of five people, some males and females; and  
10 it was pretty, as I say, you know, things like  
11 that you typically see in a club, it's very  
12 quick, it's very hurried, it's very hush-hush,  
13 you know? And it was just a though, I have all  
14 the time in the world to do it; so I'm hoping  
15 that with the security improvements, camera  
16 improvements, as I say, the establishment has  
17 made quite a bit of improvement from what I can  
18 see. But obviously there's still a short way to  
19 go.

20 MEMBER ALBERTI: And we're going to  
21 make certain there is security backstage now with  
22 these artists and telling them no, you can't do

1       that?

2                   CHAIR MILLER:   Right.   Okay.   Mr.  
3       Silverstein?

4                   MEMBER SILVERSTEIN:   Thank you very  
5       much for your work and for your thorough report,  
6       Investigator Brashears.   They were so awful for  
7       so long and you say they've come a long way; but  
8       you're not there.   Are you talking about as of  
9       this date or are you talking about as of now?

10                  MR. BRASHEARS:   I would say as of now.  
11       Again, they seem to have taken what the Board  
12       gave them under advisement; they've seemingly  
13       have rectified the situation.   Obviously, you  
14       know, things can happen at any establishment  
15       regardless of the situations.

16                  MEMBER SILVERSTEIN:   Sure.

17                  MR. BRASHEARS:   But again, as I said,  
18       those two things kind of stuck out; but today, I  
19       can honestly say today where we are with them is  
20       far better than where we were twelve months ago.

21                  MEMBER SILVERSTEIN:   Where do we need  
22       to improve still?   How do we get to the finish

1 line?

2 MR. BRASHEARS: I really I can't  
3 answer that, sir. Again, you know, they've --

4 MEMBER SILVERSTEIN: Will we get  
5 forty-five cameras working as in the security  
6 agreement?

7 MR. BRASHEARS: I would say that would  
8 probably be a good start, sir; because today, my  
9 understanding is there are still thirty-eight  
10 operational out of the forty-one installed. Now  
11 I will say that as well, sir, there was an issue  
12 with the security, with the camera system  
13 recording over itself after a brief period and a  
14 time/date lag and all of that. And Mr. Harmon  
15 was able to get those things squared away.

16 MEMBER SILVERSTEIN: Okay. This is a  
17 twenty-nine million dollar investment and nearly  
18 half of that was taxpayer dollars; and this place  
19 plays such an important part in the heart and the  
20 spirit of the city that it has to be fixed.

21 MR. ELLIS: We're going to fix it.

22 MEMBER SILVERSTEIN: And we have to do

1 far, far better than we've done. Thank you.

2 MEMBER SHORT: We're depending on you  
3 to do that.

4 CHAIR MILLER: Mr. Jones?

5 MEMBER JONES: I have the utmost faith  
6 that you're going to find a way to pull this out,  
7 one way or the other. But that being said, I  
8 just want to get clarification on the date that  
9 you indicate that you're going to have these  
10 things done by. And clarification on what you  
11 consider these things to be, just to make sure  
12 we're on the same page.

13 MR. ELLIS: Well, I think the most  
14 important thing that we talked about thus far has  
15 been the security cameras and making certain that  
16 we have certain placement that we want to be able  
17 to walk through with the inspector and get his  
18 view of where there might be some deficiencies or  
19 blind spots; so that we're real clear. So we  
20 can, we will arrange if hopefully the inspector's  
21 schedule permits, to have the security person,  
22 security camera person there along with the

1 actual ABC inspector.

2 MEMBER JONES: So I will offer this  
3 commentary. I would suggest that you move  
4 forward with whatever plan you have, to have  
5 whatever it is you are going to do, to have that  
6 installed; and when you believe that you've  
7 completed that process, then ABRA will come out,  
8 i.e., an identified investigator. I don't have  
9 the authority to make that call, but I would  
10 suggest it to the person that --

11 MR. ELLIS: I guess what was missed  
12 was that when we submitted the actual plan, again  
13 it was a mistake in that the actual plans showed  
14 construction documents that had forty-five  
15 cameras.

16 MEMBER JONES: I'm past that.

17 MR. ELLIS: Okay.

18 MEMBER JONES: I'm totally past that.

19 MR. ELLIS: Okay.

20 MEMBER JONES: I'm working with you  
21 from where you stand today.

22 MR. ELLIS: Okay.

1                   MEMBER JONES: Right? So that's why  
2 I'm trying to clean the slate, because once you  
3 tell me something, then I'm going to be on you;  
4 that's just how I operate. But I'm clean with  
5 you right now. I want to understand what it is  
6 you're promising to do between now and whatever  
7 date you say you're going to do it by. And I  
8 don't want ABRA to be in the middle of that  
9 process. So I don't want you to come back to me  
10 and tell me that we didn't get that done because  
11 we couldn't coordinate a time with your  
12 investigator to have it done by this date.

13                  MR. KLINE: Well, what I would  
14 suggest, if I might, Mr. Jones?

15                  MEMBER JONES: Yes.

16                  MR. KLINE: You know how these things  
17 work, in terms of time and --

18                  MEMBER JONES: Yes.

19                  MR. KLINE: -- the sun and the stars,  
20 but we should pick something realistic.

21                  MEMBER JONES: Yes?

22                  MR. KLINE: That within thirty days,



1 we file a report with ABRA with the ABC Board,  
2 telling the Board what we found as a result of  
3 the review and what's being done; and at that  
4 point, the investigative staff can send someone  
5 out and see if there are any blind spots and see  
6 if there is anything else that might need to be  
7 done. But that sounds reasonable.

8 MEMBER JONES: That sounds like a very  
9 reasonable course of action to promote success.

10 CHAIR MILLER: I just want to back up  
11 here a little bit, because Mr. Brashears, I  
12 assume is going to come out when the camera  
13 specialist is out there, right?

14 MR. KLINE: I think what I'm hearing,  
15 and I'll leave that to the Board, but I'm hearing  
16 from Mr. Jones is what he would prefer, but  
17 obviously it's up to all of you; is that the  
18 Howard do what it's going to do with respect to  
19 doing a review, making whatever changes need to  
20 be made, and then having the investigator come  
21 out and --

22 CHAIR MILLER: I don't think they're

1 mutually exclusive. I thought it was a good  
2 idea. I guess, Mr. Brashears, you can comment  
3 too if you want. But when this specialist is out  
4 there that you all can look at the situation and  
5 come to an agreement as to yes, this area needs  
6 it, this area doesn't, right from the beginning  
7 and then when it's all done, ABRA always or  
8 usually goes out and inspects and makes sure it  
9 actually is done and is working. I don't know if  
10 Mr. Jones stepped out but --

11 MR. KLINE: I think (speaking  
12 simultaneously).

13 MEMBER ALBERTI: Actually, I think Mr.  
14 Jones is suggesting something slightly different;  
15 and I tend to agree with him. I don't want, when  
16 I was talking about them consulting with the  
17 Howard staff to make sure the placement of the  
18 cameras was such that you didn't have any blind  
19 spots, I was thinking of Howard staff, Howard  
20 implementing it, putting all the cameras in, all  
21 right? But not calling the job complete. Then  
22 having our inspectors come in and review what

1       you've done, which is what Mr. Jones is  
2       suggesting, and at that point be open to tweaking  
3       the system if there were blind spots discovered.  
4       So I think what Mr. Jones was suggesting is that  
5       you come back to us within thirty days and say  
6       okay, we think we've got it. I think we've got  
7       the coverage that is sufficient to cover no  
8       reasonable blind spots --

9               MR. ELLIS: Well, I don't --

10              MEMBER ALBERTI: Let me finish. No  
11       reasonable blind spots. Our investigators would  
12       do an inspection and report back to you about  
13       what they found in terms of what they believe are  
14       still blind spots.

15              MR. ELLIS: Okay.

16              CHAIR MILLER: I know that's what Mr.  
17       Jones was proposing. I'm just asking, at first  
18       they had started out talking about Mr. Brashears  
19       being there when the specialist was there and it  
20       sounds like you think that might be a problem,  
21       Mr. Jones?

22              MEMBER JONES: I don't think that's

1 going --

2 CHAIR MILLER: Do you think that's a  
3 problem?

4 MEMBER ALBERTI: No, that's not a good  
5 idea.

6 CHAIR MILLER: You don't want ABRA  
7 involved in looking at the solution, right?

8 MEMBER ALBERTI: We want them  
9 evaluating, I mean, it's club's responsibility.  
10 We want ABRA to be in a position of evaluating  
11 what they have done, commenting; but I want a  
12 commitment that they'll be flexible enough to  
13 react to our assessment and maybe remedy some of  
14 the, if there are any other additional blind  
15 spots, to remedy them.

16 CHAIR MILLER: Are you saying that  
17 they'll come up with a proposal and then our  
18 investigator and the Board will evaluate it?

19 MEMBER ALBERTI: No, they'll actually  
20 implement a proposal --

21 CHAIR MILLER: They'll implement it  
22 and then we'll evaluate it?

1                   MEMBER ALBERTI: They'll install the  
2 cameras and then we'll go in.

3                   CHAIR MILLER: Then we'll make them  
4 change it if there's a problem?

5                   MEMBER ALBERTI: Well, typically, if  
6 they've done a good job, they won't need extra  
7 cameras. Typically sometimes it's just well that  
8 camera angle needs to be tweaked this way or that  
9 way. That's usually what happens.

10                  MR. BRASHEARS: If it helps, ma'am?

11                  CHAIR MILLER: Yes?

12                  MR. BRASHEARS: I could certainly let  
13 them know, this obviously isn't the first time  
14 there's been an issue with a blind spot. I could  
15 certainly let them know of the blind spots that  
16 we have found throughout our investigation.

17                  MEMBER ALBERTI: Yes.

18                  CHAIR MILLER: Okay.

19                  MR. BRASHEARS: And that would,  
20 because they have a fairly robust camera system;  
21 it's just a few of these areas.

22                  MEMBER SHORT: How many of them have

1       you identified?

2                   MR. BRASHEARS:   Three.

3                   CHAIR MILLER:   Okay.

4                   MEMBER SHORT:   So they know that those  
5       three have got to be taken care of?

6                   MR. BRASHEARS:   The stairwells are  
7       obviously an issue.   The hallway.   And there was  
8       an incident in the past where a female fell over  
9       the balcony; the nearest cameras were over near  
10      the upstairs bar.   There were no cameras in that  
11      immediate area.

12                  CHAIR MILLER:   Okay; see I think that  
13      would be helpful to have up front, so you're,  
14      okay.

15                  MR. ELLIS:   It is; it's very helpful.

16                  CHAIR MILLER:   Okay.   That's it.

17                  MEMBER RODRIGUEZ:   I've got a short  
18      observation.   The Howard Theatre is located in a  
19      neighborhood that has been undergoing transition.  
20      We saw when the Metro came nearby and I'm  
21      thinking that cameras are absolutely important,  
22      but I think the prevention factor of making sure

1       that the wrong people don't get in in the first  
2       place is so abundantly important and so that I  
3       would think that the security staff at the  
4       entrance has to be very alert to the kind of  
5       people that are coming into your establishment.  
6       Because some of these people are hurting you.  
7       And so you're going to be doing patting, you're  
8       going to be doing wandering, you're going to be  
9       taking a look at people to see that they're not  
10      high and coming in inebriated; so that I think  
11      your front door staff have to be really sharp and  
12      on the ball. That will save you a lot of  
13      problems inside, you know?

14                   MR. KLINE: We appreciate that, Mr.  
15      Gonzales.

16                   MEMBER SHORT: We had also talked  
17      about RDO at one time; have you given that any  
18      more consideration? On certain events?

19                   MR. ELLIS: For certain events, we are  
20      definitely looking into that possibility again.  
21      We're going to avoid at this point, any events  
22      that look like, just to your point, that even

1 look close to being like a trouble type event,  
2 we're avoiding them completely.

3 MEMBER SHORT: But we shouldn't have  
4 that problem anymore?

5 MR. ELLIS: Shouldn't have that  
6 problem.

7 MEMBER SHORT: I'm with you a hundred  
8 percent on that end.

9 MEMBER ALBERTI: Can I just ask? And  
10 since you brought it up, if you were going to  
11 consider RDO for them, how would you distinguish  
12 which ones might need RDO and which ones  
13 wouldn't? What qualities of an event to you  
14 would say, well, maybe we need to RDO?

15 MR. ELLIS: If it's a younger like  
16 hip-hop night party or something like that. If  
17 it's a go-go party that is a younger go-go crowd  
18 and not an older go-go crowd, that would send up  
19 a red flag for us. If there's a promoter that  
20 we've never dealt with and we find out the type  
21 of music and the type of crowd that they are  
22 going to be attracting, that would send up a red



1 flag.

2 MEMBER ALBERTI: What type of crowd?  
3 What do you mean what type of crowd? Age? What  
4 else?

5 MR. ELLIS: I think age, I think the  
6 type of, it could be, again, probably a hip-hop  
7 show, something that may typically bring those  
8 types of people to the venue.

9 MEMBER ALBERTI: Past history?

10 MR. ELLIS: And we have now a past  
11 history of seeing these different promoters and  
12 seeing these different people where we're going  
13 to stay away.

14 CHAIR MILLER: Okay. We spent a lot  
15 of time on the cameras and I just want to follow  
16 up on the sexual assault issue. Is there  
17 anything with respect to that issue that would  
18 cause us to believe that there needs to be  
19 improvements in dealing with sexual assault  
20 complaints or anything like that?

21 MR. BRASHEARS: Well, that was kind of  
22 a unique situation; that's when we still had the

1 old hosts.

2 CHAIR MILLER: Okay.

3 MR. BRASHEARS: We have the new  
4 security and then we have the add-on of ten  
5 additional security that came with the event; and  
6 my understanding was obviously the victim says  
7 she spoke with, or the previous security director  
8 said he wasn't attired properly. She didn't  
9 speak to him. And then the two individuals she  
10 described would have been one individual from the  
11 new security, the contract security; and one  
12 individual from the folks that were sent over  
13 from the Howard homecoming event.

14 So it seems we've kind of rectified  
15 one of those situations with the hosts. The  
16 other individual was an add-on, so the only  
17 concerning issue to me was the alleged comments  
18 that were made by what is now the current  
19 security folks; making comments that way, you  
20 know, we're about to close, what does it matter.  
21 You shouldn't say, and there were some derogatory  
22 terms used that, I wasn't there, you weren't

1       there; it's what's alleged.

2               But if those kind of comments were  
3       made, obviously it's not appropriate and probably  
4       shouldn't have been done. So there may be room  
5       for some type of customer training, but that's  
6       obviously up to the Howard Theatre to do.

7               MR. KLINE: Madame Chair, I'd like to  
8       note that between the earlier incident on October  
9       18th and the later incident on November 2nd; I  
10      note that there's an incident report that's  
11      attached that's pretty detailed. Which shows the  
12      beginning of the transformations to what we think  
13      we've seen in the last ninety days which is a  
14      higher level of attention to the issues that they  
15      should be concerned about and I know they're  
16      working --

17              CHAIR MILLER: Okay, is there anything  
18      else you want to say right here about what kind  
19      of attention might be being given to that issue,  
20      if any?

21              MR. KLINE: Well, as the investigator  
22      pointed out, you now have a unified security

1 staff; you don't have three different elements of  
2 security, there's the Director of Security, who  
3 oversees all of that. So rather than having  
4 three groups, there is an incident reporting  
5 system; it's much more cohesive than it was  
6 before. It's much more complete than it was  
7 before and much more effective, all the way  
8 across the board.

9 In terms of the particular incident on  
10 the 18th, we don't know much about it --

11 CHAIR MILLER: Okay.

12 MR. KLINE: -- we don't have an  
13 incident report. There seems to be some question  
14 as to how much it was put on the radar; so we're  
15 kind of at a loss.

16 CHAIR MILLER: I guess my question is,  
17 I didn't take a look again at your security plan  
18 before this hearing, so I don't know; but is  
19 there something in there about how do you deal  
20 with sexual assaults or is there training with  
21 who you deal with sexual assaults?

22 MR. ELLIS: Well, I know that we've

1 learned from this incident and we are prepared  
2 to, we'll never address it like it was addressed  
3 at this point. This is a Thousand Bottles party,  
4 alumni party; is just what it sounds like. There  
5 were a lot of people, a lot of stuff going on,  
6 and I think that this particular person was  
7 overwhelmed; quite frankly, it was the end of the  
8 night.

9 He was overwhelmed, this woman came to  
10 him and he, as opposed to really taking it all  
11 very seriously, he says, the event's over so  
12 what's the issue? We've learned from that;  
13 that's not how we will take that, call the  
14 police, file a report, make certain that any  
15 person that says that they were assaulted period.  
16 Whether they're male or female, is addressed with  
17 an incident report.

18 CHAIR MILLER: Okay; that's really  
19 more of what I was looking for. I'm not trying  
20 to try the case here, but I'm trying to say there  
21 were certain things that happened and we want to  
22 have this hearing in part to make sure that if

1       there are problems, they're being rectified now.  
2       You're going to do the cameras now. If there's  
3       an issue about training for sexual assault,  
4       you're going to take care of it now or something.  
5       So what I hear you saying is that there are  
6       processes in place that you're doing now that you  
7       didn't do before with respect to taking those  
8       allegations seriously and reporting them to the  
9       police. Anything else?

10               All right, so we have these reports  
11       and we'll take them under advisement and that  
12       concludes this hearing; thank you very much.

13               MR. KLINE: Thank you.

14       MR. ELLIS: Thank you.

15               CHAIR MILLER: Okay, so that completes  
16       our hearings for the day and so the Board is  
17       going to adjourn and come back and do it's  
18       agendas in a little bit.

19               (Whereupon, the hearing was concluded  
20       at 5:20 p.m.)  
21  
22

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